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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/512,411	02/24/2000	Xiaobao Chen	3-2-2	5744

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Docket Administrator (Rm 3C-512)
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EXAMINER

NGUYEN, THANH T

ART UNIT	PAPER NUMBER
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2144

DATE MAILED: 03/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/512,411

Applicant(s)

CHEN ET AL.

Examiner

Tammy T Nguyen

Art Unit

2144

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE (3) MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.



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Detailed Office Action

1. Claims 1-19 are presented for examination.
2. In view of the Appeal Brief filed on December 29, 2003, PROSECUTION IS HEREBY REOPENED. New grounds of rejection are set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

- (1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,
- (2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

- (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

4. Claims 1, 2, 5, 6, 8, and 9 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by La Porta et al. (USPN 6,654,359 – Date of Patent: November 25, 2003, herein referred to as “La Porta”)

5. As to claim 1, La Porta teaches the invention as claimed, including a method of establishing a quality of service session between a correspondent node and a mobile node, the mobile node having a home address in a home network and being temporarily connected at a care-of address in a foreign network, the method comprising the steps of:

generating, in the foreign network, a modified reply message having a source address of the mobile node's care-of address and a destination address of the correspondent node (col.5, lines 43-52); and

transmitting the modified reply message (col.5, lines 52-55).

6. As to claim 2, La Porta teaches the invention as claimed, further comprising the steps of: receiving, in the home network, a request message having a source address of the correspondent node and a destination address of the mobile node's home address ();

creating a modified request message by replacing the destination address of the request message with the mobile node's care-of address (col.1, lines 39-47); and

transmitting the modified request message to the foreign network, whereby the modified reply message is generated responsive to the modified request message (col.1, lines 25-38, col.16, lines 46-65).

7. As to claim 5, La Porta teaches the invention as claimed, further comprising the steps of: receiving, in the home network, the modified reply message (col.34, lines 9-12); creating a further modified reply message by replacing the source address with the mobile node's home address (col.34, lines 19-23); and

transmitting the further modified reply message (col.33, lines 51-56).

8. As to claim 6, La Porta teaches the invention as claimed, wherein the correspondent node generates the request message and receives the further modified reply message (col.34, lines 49-55).

9. As to claim 8, La Porta teaches the invention as claimed, wherein the step of generating the modified reply message is carried out in the mobile node (col.34, lines 19-25).

10. As to claim 9, La Porta teaches the invention as claimed, wherein the step of generating the modified reply message comprises:

generating a reply message having a source address of the mobile node's home address and a destination address of the correspondent node (col.37, lines 29-33, col.34, lines 18-25, and col.5, lines 42-55); and

replacing the source address with the mobile node's care-of address, thereby generating the modified reply message (col.5, lines 43-56, and col.34, lines 9-35).

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claims 3,7, 10, 12-14, and 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over La Porta et al., (hereinafter La Porta) U.S. Patent No. 6,654,359 in view of Willkie et al., (hereinafter Willkie) U.S. Patent No. 6,230,012.

13. As to claim 3, La Porta teaches the invention as claimed, wherein the step of generating the modified reply message is carried out further comprising the steps of:

responsive to receipt of the modified request message, sending a quality of service indication signal to the mobile node, whereby the modified reply message is generated responsive to receipt of a quality of service acknowledgment from the mobile node (col.32, lines 49-56).

La Porta does not explicitly teach a proxy device, in the foreign network, the proxy device associated with the mobile node. However, Willkie teaches a proxy device, in the foreign network, the proxy device associated with mobile node (col.5, lines 10-15, col.6, lines 12-14, and col.7, lines 60-63). It would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teachings of La Porta and Willkie to have a proxy device, in the foreign network and associated with mobile node because it would have an utilization and

convenient system that can dramatically improve performance for groups of users and much faster operation than pulling the same information more than once.

14. As to claim 7, La Porta teaches the invention as claimed, wherein:

generates the request message responsive to a quality of service request from the correspondent node (col.33, lines 49-56); and

generates a quality of service confirmation responsive to receipt of the further modified reply message (col.32, lines 49-56)

La Porta does not explicitly teach a proxy device, the proxy device associated with the mobile node. However, Willkie teaches a proxy device, the proxy device associated with mobile node (col.5, lines 10-15, col.6, lines 12-14, and col.7, lines 60-63). It would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teachings of La Porta and Willkie to have a proxy device, the proxy associated with mobile node because it would have an utilization and convenient system that can dramatically improve performance for groups of users and much faster operation than pulling the same information more than once.

15. As to claim 10, La Porta does not explicitly teach a proxy device, the proxy device associated with the mobile node. However, Willkie teaches a proxy device, the proxy device associated with mobile node (col.5, lines 10-15, col.6, lines 12-14, and col.7, lines 60-63). It would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teachings of La Porta and Willkie to have a proxy device, the proxy associated with mobile node because it would have an utilization and convenient system that can dramatically improve performance for groups of users and much faster operation than pulling the same information more than once.

16. As to claim 12, La Porta teaches the invention as claimed, including a mobile IP environment capable of supporting a quality of service session, comprising:

a correspondent node (col.34, lines 9-10);

a mobile node having a home address in a home network and being temporarily connected at a care-of address in a foreign network (col.37, lines 29-33, col.34, lines 18-25, and col.5, lines 42-55);

generating a modified reply message having a source address of the mobile node's care-of address and a destination address of the correspondent node (col.5, lines 43-56, and col.34, lines 9-35).

La Porta does not explicitly teach a proxy device, in the foreign network, the proxy device associated with the mobile node. However, Willkie teaches a proxy device, in the foreign network, the proxy device associated with mobile node (col.5, lines 10-15, col.6, lines 12-14, and col.7, lines 60-63). It would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teachings of La Porta and Willkie to have a proxy device, in the foreign network and associated with mobile node because it would have an utilization and convenient system that can dramatically improve performance for groups of users and much faster operation than pulling the same information more than once.

17. As to claim 13, La Porta teaches the invention as claimed, wherein the proxy device is located in the mobile node (col.5, lines 11-15).

18. As to claim 14, La Porta teaches the invention as claimed wherein the proxy device is located outside the mobile node and coupled to the mobile node (col.3, lines 42-47).

19. As to claim 16, La Porta teaches the invention as claimed, including a system capable of

supporting a quality of service session, comprising:

a correspondent node (col.34, lines 9-10);

a mobile node having a home address in a home network and being temporarily connected at a care-of address in a foreign network (col.37, lines 29-33, col.34, lines 18-25, and col.5, lines 42-55);

generating a modified reply message having a source address of the mobile node's care-of address and a destination address of the correspondent node (col.5, lines 43-56, and col.34, lines 9-35).

La Porta does not explicitly teach a proxy device, in the foreign network, the proxy device associated with the mobile node. However, Willkie teaches a proxy device, in the foreign network, the proxy device associated with mobile node (col.5, lines 10-15, col.6, lines 12-14, and col.7, lines 60-63). It would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teachings of La Porta and Willkie to have a proxy device, in the foreign network and associated with mobile node because it would have an utilization and convenient system that can dramatically improve performance for groups of users and much faster operation than pulling the same information more than once.

20. As to claim 17, La Porta teaches the invention as claimed, wherein the proxy device is located in the mobile node (col.5, lines 11-15).

21. As to claim 18, La Porta teaches the invention as claimed, wherein the proxy device is located outside the mobile node and coupled to the mobile node (col.3, lines 42-47).

22. Claims 4, 11, 15, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over

La Porta et al., (hereinafter La Porta) U.S. Patent No. 6,654,359, and Willkie et al., (hereinafter Willkie) U.S. Patent No. 6,230,012 in view of Kidder et al., (hereinafter Kidder) U. S. Patent No. 5,903,735.

23. As claim 4, La Porta and Willkie do not explicitly teach the quality of service session is an RSVP Message, the request message is a Path message and the modified reply message is a Reservation message. However, Lazaridis teaches the quality of service session is an RSVP session (col.7, line 55-col.8, line 17); the request message is a Path message (col.8, lines 3-17, col.8, lines 49-65, and col.10, lines 22-38); and the modified reply message is a Reservation message (col.8, lines 3-17, and col.9, lines 17-41). It would have been obvious to one of ordinary skill in the Data Processing art at the time of the invention to combine the teachings of La Porta, Willkie and Kidder to have an RSVP, Path and Reservation message session includes in a communication system because it would have an efficient system that provide a remote receiver requests that a certain amount of bandwidth be reserved by the server for a data stream; the server sends back a message indicating whether or not the request has been granted.

24. Claims 11, 15, and 19 have similar limitations as claim 4; therefore, they are rejected under the same rationale.

Conclusion

25. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

26. Any inquiries concerning this communication or earlier communications from the

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examiner should be directed to **Tammy T. Nguyen** who may be reached via telephone at **(703) 305-7982**. The examiner can normally be reached Monday through Friday between 8:30 a.m. and 4:30 p.m. eastern standard time.

If you need to send the Examiner, a facsimile transmission regarding this instant application, please send it to **(703) 872-9306**. If attempts to reach the examiner by telephone are unsuccessful, the Examiner's Supervisor, **David Wiley**, may be reached at **(703) 308-5221**.

TTN
March 10, 2004


DAVID WILEY
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